

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
FRIDAY, APRIL 30, 1999 CONTINUED**

1

Civil FRIENDS OF MAMMOTH et al.
No. v.
C029659 TOWN OF MAMMOTH LAKES etc. et al.
Civil FRIENDS OF MAMMOTH et al.
No. v.
C031043 TOWN OF MAMMOTH LAKES etc. et al.

BY THE COURT:

The motion if appellants for consolidation of above cases is granted.
The cases are ordered consolidated for oral argument and decision only.

In C031043 only, respondents Town of Mammoth Lakes etc. et al.
and Intrawest Mammoth Corporation's briefs are due on or before May 14,
1999; respondents Mammoth Mountain Ski Area et al.'s brief is due on or
before May 24, 1999.

Dated: April 30, 1999

SCOTLAND, P.J.

Civil MARVIN L. OATES (Not for Publication)
No. v.
C023340 CITY OF LINCOLN et al.

The judgment is affirmed insofar as it dismisses the second and
fourth causes of action attacking the validity of the Marks-Roos bonds; it is
reversed insofar as it dismisses the first cause of action for accounting, the
third cause of action for declaratory relief, the fifth cause of action for
constructive trust, and sixth cause of action for constructive fraud. The
judgment of dismissal against First California is affirmed. The case is
remanded to the trial court with directions to sustain the demurrer to the
fifth cause of action for constructive trust with leave to amend. Plaintiff
and shall pay First California's costs on appeal. Plaintiff and remaining
defendants shall each bear their own costs on appeal.

RAYE, Acting P.J.

We concur: MORRISON, J.
 CALLAHAN, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
MONDAY, MAY 3, 1999 CONTINUED**

2

Crim. THE PEOPLE (Not for Publication)
No. v.
C029360 ARMANDO ILLA

The judgment is affirmed.

HULL, J.

We concur: NICHOLSON, Acting P.J.
KOLKEY, J.

TUESDAY, MAY 4, 1999

Civil WILLIAM F. BACK (Not for Publication)
No. v.
C025630 DEPARTMENT OF FOOD AND AGRICULTURE

We reversed the judgment and remand the case to the superior court with instruction to issue a writ of mandate compelling the Department to withdraw or to rescind that portion of the directive dictating various gun show rules, as explained herein, until it has complied with the APA. The case is also remanded to decide whether attorney fees should be awarded under Code of Civil Procedure section 1021.5. (laurel Heights Improvement ASSN. v. Regents of University of California (1988) 47 Cal. 3d 376, 4436-427.)

Appellant shall recover his costs on appeal.

RAYE, J.

We concur: SCOTLAND, P.J.
BLEASE, J.

Crim. THE PEOPLE (Certified for Publication)
No. v.
C29877 SAMUEL EARL ANSELL JR.

The judgment (order) is affirmed. (CERTIFIED FOR PUBLICATION.)

NICHOLSON, Acting P.J.

We concur: MORRISON, J.
KOLKEY, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, MAY 5, 1999**

3

Civil RESIDENTS FOR FAIR PLANNING et al.
No. v.
C029643 PONDEROSA 50 PARTNERS

The judgment is affirmed. Ponderosa 50 shall recover costs on appeal.

RAYE, J.

We concur: BLEASE, Acting P.J.
 DAVIS, J.

THURSDAY, MAY 6, 1999

Civil SHEILA BURROUS
No. v.
C032063 NORTHERN QUEEN INN

BY THE COURT:

On the court's own motion the appeal filed March 8, 1999, is dismissed. (Modica v. Merin (1991) 234 Cal. App. 3d 1072.)

Dated: MAY 6, 1999

BLEASE, Acting P.J.

Civil MICHAEL A. DAVIS
No. v.
C031493 FREDERICK WENCK
BY THE COURT:

On the court's own motion the appeal filed December 4, 1998, is dismissed.

Dated: May 6, 1999

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029707 BENEDICTO ORTEGA

The judgment (order granting probation) is affirmed.

MORRISON, J.

We concur: SIMS, Acting P.J.
 KOLKEY, J.

THURSDAY, MAY 6, 1999 CONTINUED

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Crim. THE PEOPLE (Not for Publication)
No. v.
C027359 KENTRIC MCKOY

The judgment is affirmed.

MORRISON, J.

We concur: BLEASE, Acting P.J.
 SIMS, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027238 MICHAEL SALVADOR ESPITIA

The sentence is modified to make the four-year term pursuant to Penal Code section 12022.5, subdivision (a), as it relates to the murder conviction, consecutive to the indeterminate term for second degree murder. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and send it to the Department of Corrections.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.
 CALLAHAN, J.

Juvenile In re LOREN S., a Person Coming Under the Juvenile Court Law.
No. EL DORADO COUNTY DEPARTMENT OF SOCIAL SERVICES
C029228 v.
 ROSEMARY P.

The order filed April 7, 1998, is affirmed. The appeal from the order filed March 23, 1998 is dismissed.

KOLKEY, J.

We concur: SCOTLAND, P.J.
 HULL, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
FRIDAY, MAY 7, 1999**

5

Crim. THE PEOPLE (Not for Publication)
No. v.
C028803 JOSE LOPEZ GUTIERREZ

The judgment is affirmed.

HULL, J.

We concur: BLEASE, Acting P.J.
RAYE, J.

Crim. THE PEOPLE (Not fro Publication)
No. v.
C027079 JEDEDIAH CLINTON LANGUM

The judgment is modified to award defendant 174 days' presentence custody credit, 58 days' presentence conduct credit pursuant to section 4019 for the 116 days he was confined in juvenile hall, and an additional 8 days' presentence conduct credit pursuant to section 2933.1, subd. (c), based upon the 58 days. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a copy to the Department of Corrections.

HULL, J.

We concur: SCOTLAND, P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029951 JOSHUA MICAH HOEKSTRA

The judgment is affirmed.

HULL, J.

We concur: NICHOLSON, Acting P.J.
KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C030321 PAUL MARTIN GALINDO

The judgment is affirmed.

NICHOLSON, J.

We concur: SCOTLAND, P.J.
HULL, J.